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General Assembly

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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Working paper submitted by Canada entitled "Towards a United Nations 2001 action plan on small arms"

Canada believes that the concluding document of the 2001 United Nations Conference should be a global action plan for subscription by interested States. In Canada's view, a meaningful action plan should include a timetable for implementation of concrete measures that will actually reduce the numbers of small arms and light weapons (hereafter "small arms") in circulation around the world; prevent problematic transfers; promote transparency and openness; and reduce the role of small arms and light weapons in undermining human security through exacerbating armed conflict, facilitating activity in gross violation of human rights and destabilizing societies. Such actions would be targeted at the global, regional, national and local levels, providing the international community with a road map for its future work.

This working paper offers suggestions as to the format for such an action plan and provides a broad outline of its possible contents.

Format of the action plan

Canada believes that the action plan might usefully be formatted using the following quadripartite structure:

(1) Context (preamble): this introductory section would set out the qualitative and quantitative extent of the small arms situation, the interdependence of its constituent parts, the nature of the problems it produces and its relationship to broader global issues. The section would reflect the consensus of subscribing States as to both the current situation and directions for improvement;

(2) Principles: based on the previous section, this section would set out basic norms relating to State action to respond to the small arms problem in all its aspects, including manufacturing, accumulation, licit and illicit transfers, etc. The section would outline the fundamental international and human security, humanitarian, legal and other underpinnings of global and regional action on small arms;

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(3) Commitments: this section would reflect commitments by subscribing Governments to concrete action on small arms questions, including commitments to take national action or to negotiate multilateral agreements on such matters as codes of conduct, legislation and regulatory measures, control and enforcement mechanisms, transparency and tracing measures, international cooperation and so forth. The section would enumerate a series of steps to be carried out by all pertinent States, each item carrying a realistic deadline;

(4) Follow-up: this final section would establish mechanisms through which the commitments in the action plan could be followed up, for example through establishment of an ongoing working group on small arms, periodic national or group reports, a decision on a second United Nations conference etc. Its goal would be to ensure that the 2001 Conference was not an isolated affair, but rather that the United Nations would remain institutionally seized of the issue in a way that gave ongoing support to the implementation of the action plan and institutionalized ways to ensure subsequent steps.

These four sections of a proposed action plan are considered in more detail below. In each case, what is provided is a series of examples in outline form, not drafting language. Other potential items of course exist and the action plan would go into considerably more detail on each item.

Context

In developing a brief analytical context for the action plan, it will be important to take a number of factors into account, in order to provide a comprehensive picture. These include:

(1) Quantitative and qualitative analysis of the extent, distribution and flows of global manufacturing, transfer and accumulation of small arms;

(2) The role played by small arms in conflict, crime and other activities of concern to Governments and its relationship to broader international peace and security and/or human security priorities;

(3) Consideration of both the supply side (i.e. manufacturing and export) and the demand side (i.e. import and use) of the problem, as well as the linkages that connect them (e.g. brokering, finance and shipping);

(4) Relationship between licit and illicit aspects of the small arms problem;

(5) Linkage between excessive accumulation of small arms, areas of chronic armed conflict and cultures of violence;

(6) The relationship between regional and global aspects of the small arms problem;

(7) A summary of international responses and experience to date, including the United Nations experts groups, codes of conduct, moratoria, collection and destruction programmes, transparency proposals, existing agreements, ongoing negotiations etc.

The context section might also introduce key definitions and provide a clear indication of exactly what types of weapons and related items the action plan is intended to cover (e.g. firearms, small arms and/or light weapons).

Principles

The principles section could usefully incorporate both general and more specific normative statements designed to act as an agreed basis of action for countries subscribing to the action plan. Such principles could include the following:

(1) A broad declaration that excessive transfer and accumulation of small arms poses a serious problem for the global community, requiring national and collective action in response;

(2) A declaration linking the small arms problem to pertinent principles of international peace and security, humanitarian law, the declarations of other international bodies etc.;

(3) A declaration that the responsibility for solving the small arms problem falls on all countries, no matter what their role in the situation;

(4) A balancing declaration that international cooperation and mutual assistance programmes are a necessary part of solving the small arms problem;

(5) A declaration that national Governments are responsible for ensuring that small arms production, storage and transfer within their jurisdictions are legislated/regulated, that control mechanisms exist and that the control regime is enforced in such a manner as to contribute to the resolution of the small arms problem;

(6) A declaration that enhanced transparency and confidence-building measures on the manufacturing, transfer and holdings of small arms can contribute to the resolution of the small arms problem;

(7) A declaration that the ultimate goal of small arms restriction and collection programmes is to effect the reduction of the number of small arms in the world through the safe destruction of weapons collected, confiscated or declared obsolete or surplus to national or collective defence and domestic security requirements.

Commitments

The items in the commitments section should derive largely from the context and principles sections. Where possible, each item should also be linked to a deadline for action and to transparency measures covering implementation of that item. These commitments would need to take into account and reinforce existing initiatives such as the Mali moratorium and the Vienna-based firearms protocol negotiations. Where the commitment is to create a new international understanding or arrangement (see 4 and 5 below), a key decision will be whether to seek the actual negotiation of that understanding or arrangement by the Conference, or simply to record the commitment to negotiate it. Within that context, this section of the action plan could include measures such as the following:

(1) A general commitment by States to exercise the maximum practicable restraint on the legal manufacture and transfer of small arms and to enhance efforts to prevent the illicit manufacture and transfer of such weapons;

(2) A commitment to ensure that national laws, regulations and enforcement mechanisms are adequate to control small arms related activities within national jurisdictions, including manufacture, brokerage, transfer and storage, as these affect international peace and security;

(3) A commitment to promote enhanced participation in and application of existing agreements, guidelines and other measures of restraint in the small arms field at global and regional levels;

(4) A commitment to negotiate internationally agreed guidelines, common standards/criteria, model legislation/regulations or codes of conduct in the form of one or more comprehensive agreements on responsible behaviour in terms of production, export, import, accumulation and secure storage of small arms. Several current or proposed models exist for guidelines/codes and normative elements from such models could, if agreed by the Conference, be included in the principles or commitments sections of the action plan;

(5) A commitment to negotiate and implement enhanced international transparency and traceability measures covering small arms regulation/control measures, production, transfers and holdings, including consideration of marking systems, record-keeping standards, regular exchanges of information, creation of global and regional registers and/or establishment of an international data centre covering small arms;

(6) A commitment to practical international support of initiatives for the collection, secure storage and monitored destruction of small arms, especially in conflict-affected States and other States with excessive accumulations of small arms (mention of specific initiatives, if agreed);

(7) A commitment from the global community to provide practical support for other national and regional initiatives in response to the small arms problem, including support for strengthening of legislative/regulatory, stockpile management, export/import regulation, training, technology and other control and enforcement measures (mention of specific initiatives, if agreed);

(8) A commitment to strengthen national and international mechanisms related to small arms as a means to enhance enforcement of United Nations-mandated arms embargoes;

(9) A commitment to support the United Nations and other recognized international institutions in the design, mandating and implementation of small arms collection and destruction operations as part of disarmament, demobilization and reintegration programmes;

(10) A commitment to work for the early conclusion, ratification and entry into force of the firearms protocol and other international instruments related to the small arms problem, completed or under negotiation;

(11) A commitment to enhance cooperation among States in the enforcement of national laws and in the verification of international commitments on resolving the small arms problem.

Follow-up

This section of the action plan would deal with ways to encourage countries to carry out their commitments under the plan, and would provide for an ongoing mechanism to review and adapt the action plan over time. It is not envisaged at this point that a new bureaucracy would be established, although informal continuing mechanisms could be usefully created. Among the non-exclusive options that could be considered:

(1) Agreement that individual States subscribing to the action plan would provide an annual report concerning their implementation of commitments contained in the plan (and any other actions on small arms they chose to flag). Such reports could for example be deposited with the Secretary-General of the United Nations and a compendium distributed to all subscribing parties;

(2) Agreement that implementation of the action plan would be a permanent item on the agenda of the First Committee of the General Assembly — subject to the approval of the Assembly;

(3) Agreement in principle to convene a second United Nations conference within a fixed period of time (e.g. five years), with the purpose of reviewing the implementation of the action plan to date and amending it as necessary to reflect developments in the field since the first Conference — subject to the approval of the General Assembly;

(4) Agreement to establish an independent open-ended informal working group that would meet (perhaps on an annual basis) to review the implementation of the action plan.

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28 February-3 March 2000

Working paper submitted by Canada entitled "Towards a UN 2001 action plan on small arms"

Corrigendum

Section entitled "Commitments", first paragraph, third sentence

For Mali *read* ECOWAS

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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Working paper submitted by Canada on modalities for the participation of non-governmental organizations and civil society representatives

1. Members of non-governmental organizations (NGOs) and representatives of civil society may attend all open plenary meetings during the Preparatory Committee sessions and the Conference, in the public galleries provided for such purpose.

2. Members of NGOs and representatives of civil society who attend these meetings will have available to them all relevant documents of the Preparatory Committee and the Conference (either in written form, or in electronic form, where the documents are posted on the web site).

3. Members of NGOs and representatives of civil society may make available to delegates attending the Preparatory Committee sessions or Conference any documentary material that they wish to have distributed to delegates. For this purpose, a location will be identified near the site of the session where the NGO members or civil society representatives may leave a supply of their documentary material to be picked up by delegates.

4. NGOs and civil society groups, in the interest of greater elaboration of their views and perspectives, may jointly or individually organize briefing sessions for delegates during the Preparatory Committee session or Conference. (During open or closed plenary meetings, the Chair may advise delegations of these briefing sessions and invite them to attend them if they so desire.)

5. The Preparatory Committee may invite a representative of civil society to make a presentation to a formal or informal plenary meeting with a view to providing a civil society perspective to topics under consideration by the Committee.

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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Working paper submitted by Switzerland on preliminary views on the final document

The 2001 Conference as a catalyst for coordinated and comprehensive action

The process leading to the 2001 Conference and beyond takes place in the context of a wide range of national, subregional, regional and international initiatives relating to the proliferation and misuse of small arms and light weapons (hereafter referred to as "small arms"). The broad aims of the 2001 Conference should be to help supplement, coordinate and reinforce such initiatives, not to replace or compete with them. In particular, the Conference should:

- Ensure that national, subregional and regional measures to tackle small arms proliferation and misuse are supported and reinforced by the wider international community;
- Facilitate the establishment of appropriate national, subregional and regional actions on small arms where they do not presently exist, and promote the further development of existing initiatives;
- Prevent and remove avoidable inconsistencies or incoherence between various national, subregional and regional measures, which could undermine overall effectiveness;
- Enhance international information exchange and cooperation to: increase the effectiveness of efforts to tackle the problems; encourage timely identification of emerging problems; and promote learning and implementation of good practice;
- Mobilize international resources to help communities, countries and regions that need assistance to carry out their programmes.

Preliminary views on the final document

The final document of the 2001 Conference should be motivated by a desire to (i) raise awareness of the problems in hand, (ii) mobilize both the political will

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throughout the international community to act and the necessary resources and (iii) draw a road map for future coordinated and comprehensive action.

Accordingly, the final document may be expected to cover at least the following five elements:

- Description of the problems relating to illicit trade in small arms in all its aspects;
  - This element should, in particular, shed light on the scope of the "illicit trade in small arms and light weapons in all its aspects";
- Acknowledgement of the urgent concerns of affected countries;
- Political declaration of global commitment to cooperate in curbing illicit trade in small arms in all its aspects;
- Plan of action, including a set of measures on specific issue areas ("clusters", see below);
  - The plan of action should provide an adequate framework for establishing and developing a comprehensive set of international agreements and programmes in the future;
  - It should coordinate, reinforce and supplement initiatives at the national, subregional, regional and international levels;
  - It should include follow-up and monitoring mechanisms to promote its implementation, preferably according to an implementation time-line;
  - A separate treatment of political, legal and practical measures may provide a way to accommodate the proposals in various stages of agreement;
- Modalities for review and follow-up.

Possible clusters to be addressed in the plan of action

The following clusters were identified at the second ministerial meeting of the Human Security Network. The meeting took place at Lucerne, Switzerland, on 11 and 12 May 2000. Foreign ministers and representatives of 13 countries from all regions of the world, as well as experts from various non-governmental organizations, participated.

- Promoting a secure environment in conflict-prone or war-torn regions, through, in particular, strengthening and reforming of security sector institutions and promoting implementation of disarmament, demobilization and reintegration programmes;
- Preventing excessive destabilizing accumulations and transfers of small arms and combating illicit arms trafficking, through, in particular, strengthening of marking, record-keeping and tracing;
- Ensuring appropriate control of the legal manufacture and transfer of small arms, including the activities of brokers, the risks of diversion and the importance of reducing small arms flows to conflict regions;

- Strengthening international cooperation and information exchange between Governments, licensing or judicial authorities and enforcement agencies, as well as improving transparency;
- Enhancing stockpile management and security and promoting destruction or responsible disposal of "surplus" weapons in official stocks;
- Promoting and assisting collection, responsible disposal and destruction of excessive or illicit weapons.

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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Working paper submitted by Algeria entitled "Draft understanding on the modalities of attendance of non-governmental organizations at the sessions of the Preparatory Committee as well as at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects"

The Preparatory Committee,

Recalling paragraph 4 of resolution 54/54 V adopted by the General Assembly on 15 December 1999,

(a) Decides, with respect to the attendance of non-governmental organizations in the sessions of the Preparatory Committee and the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, that attendance should be open to non-governmental organizations relevant and competent as regards the scope and the purpose of the Conference, provided that requests for accreditation are accompanied by information on the organization, including the following to be submitted by (date):

(i) The purpose of the organization;

(ii) Information identifying the programmes and activities of the organization in areas relevant to the scope of the Conference;

(iii) Confirmation of the activities of the organization at the national, regional or international level;

(iv) Copies of annual or other reports of the organization, with financial statements and a list of financial sources and contributions, including governmental contributions;

(v) A copy of the constitution and/or by-laws of the Organization;

(vi) Any other information that may help the Preparatory Committee take a decision on the application, bearing in mind the scope of the Conference;

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(b) Also decides that non-governmental organizations may attend the meetings of the Preparatory Committee and the Conference, other than those designated as closed, in the public galleries provided for such a purpose;

(c) Further decides that one meeting will be allocated to non-governmental organizations to address the Preparatory Committee and the Conference on illicit trade in small arms and light weapons, with no other meeting being held during the time of that meeting;

(d) Decides that, at their own expense, non-governmental organizations may provide material to the delegations, outside the Conference room, in the area of the Preparatory Committee as well as the Conference. At their request, documents related to the Conference and the Preparatory Committee will be provided;

(e) Also decides that the Bureau of the Preparatory Committee should submit by (date) to the members of the Preparatory Committee a list of the non-governmental organizations that submitted their applications for approval. Members of the Preparatory Committee will have until (date) to decide on a no-objection basis regarding the attendance of these non-governmental organizations.

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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
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Discussion paper submitted by France, on behalf of the European Union, entitled "Contribution to the work of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects"

1. With a view to continuing the discussion launched in its written contribution circulated at the first session of the Preparatory Committee for the 2001 United Nations Conference (A/CONF.192/PC/6 of 10 March 2000), the European Union wishes first of all to clarify the work on the six clusters which it highlighted.

2. Future discussions on these clusters could cover aspects of prevention such as reduction, including, in particular, specific measures to be developed in post-conflict situations. Similarly, each cluster could cover supply- and demand-side aspects of small arms and light weapons (SALW) and contribute to tackling the economic, social and development aspects of the questions addressed. Confidence-building and security measures should, lastly, be addressed under each of the clusters identified.

3. First cluster: Prevention of illicit acquisition, transfer, transit and circulation of SALW

(a) At the national level: the countries undertake to (i) make the production of SALW subject to authorization; (ii) reinforce their systems for issuing licences or permits for the export and import of SALW; (iii) develop the certification of final recipients; (iv) record transactions of SALW; (v) establish a restrictive national legislative and/or regulatory framework for SALW, including criminal penalties and effective administrative control.

(b) At the international level: in accordance with their national practices and existing international commitments, and guaranteeing a degree of transparency compatible with the requirements of confidentiality, the countries undertake to exchange information on (i) the routes followed by illicit trafficking; (ii) the SALW seized and destroyed; (iii) their support for multilateral and bilateral initiatives designed to curb the illicit trafficking of SALW. They also undertake to facilitate the implementation of the Protocol Against the Illicit Manufacturing of and Trafficking

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in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime. Lastly, they undertake to develop, in liaison with the relevant international organizations, exchanges geared towards the development of mutual legal assistance and the establishment of national and regional training programmes for the departments responsible for law enforcement and customs.

4. Second cluster: Commitments regarding the control of production, transfer, acquisition and holdings of SALW in accordance with legitimate national and collective defence and internal security interests, and destruction of surplus weapons

(a) The countries undertake to implement a policy of restraint with regard to SALW and will ensure that these are held only under government control at levels consistent with legitimate security interests. They will be produced and transferred only in compliance with this policy of restraint.

(b) Exporting countries undertake to supply SALW only to Governments, either directly or via bodies duly authorized to purchase weapons on their behalf, in accordance with restrictive regional and international criteria for arms exports.

(c) The countries undertake, preferably, to destroy SALW exceeding their legitimate security needs (i.e. surplus weapons).

(d) The countries undertake to prevent transfers of SALW which might:

1. Be used for the purposes of infringing or quashing human rights and fundamental freedoms;

2. Threaten peace, security and regional stability;

3. Contravene international commitments, particularly sanctions laid down by the United Nations Security Council, or agreements, particularly on non-proliferation, and other international obligations;

4. Be likely to provoke or prolong armed conflicts or exacerbate existing tensions or conflicts in the country of final destination;

5. Be re-routed within the purchasing country or re-exported from it in undesirable circumstances;

6. Support or encourage terrorism or organized transnational crime;

7. Be used for purposes other than the legitimate internal defence and security of the recipient country, including its capacity to take part in peacekeeping operations conducted by the United Nations or other regional organizations;

8. Exceed the technical capabilities of the recipient country, or exceed its ability to ensure effective management and security of its stocks.

5. Third cluster: Collection, control and destruction of illicit SALW

(a) The countries undertake to incorporate measures for the collection, control and destruction of illicitly held SALW into the terms of reference for peacekeeping operations.

(b) The countries undertake to incorporate, where appropriate, a specific section devoted to secure storage and management of SALW into peace agreements.

(c) The countries undertake to give priority to the process of destroying SALW, paying attention to the fact that administrative management procedures should not slow down the reduction process under way.

(d) The countries undertake to adopt minimum standards for defining the deactivation, decommissioning and destruction of SALW.

6. Fourth cluster: Strengthening of international cooperation among police, intelligence, customs and border control

The countries undertake to combat illicit trafficking in SALW by adopting and implementing national controls, including physical border controls and customs cooperation mechanisms, and by strengthening cooperation between police, customs and justice departments at the international (International Criminal Police Organization (Interpol), World Customs Organization (WCO), Southern African Regional Police Chiefs Cooperation Organization (SARPCCO)), regional and national levels.

7. Fifth cluster: Marking, recording and tracing of SALW

(a) The countries undertake to adopt the measures necessary at the national level to establish and implement a reliable system of universally recognized marking, at a reasonable cost, making it possible to determine the origin of SALW (i.e. the company of manufacture, its location and the unique serial number of each weapon).

(b) The countries undertake to prevent the manufacture and transfer of SALW which do not bear the marking guarantees described above in subparagraph (a). They undertake to mark, when necessary, SALW which might be downgraded from existing stocks.

(c) The countries undertake to mark or destroy non-marked SALW which might be collected, confiscated or seized.

(d) The countries undertake to keep, for a long period, national registers of SALW, covering aspects of production, stocks and transfers.

(e) The countries undertake to develop cooperation between them and their cooperation with international organizations in order to ensure the tracing of SALW, particularly by strengthening mechanisms based on exchanges of information.

(f) The countries undertake to develop exchanges of information relating to their legislative and regulatory frameworks and current practices in the areas of marking, recording and tracing.

8. Sixth cluster: International cooperation and assistance

(a) The countries undertake, by implementing assistance and cooperation mechanisms, to take account of recipients' commitment to complying with the principles under the second cluster and of their respect for human rights and international humanitarian law and the safeguarding of the rule of law, as well as of their international commitments, particularly existing peace treaties and international agreements on arms control.

(b) The countries express their willingness to assist, on express request, countries requiring technical and financial support for the control and destruction of surplus SALW. They would take specific measures in relation to SALW, such as their collection, entirely secure storage and destruction, particularly in post-conflict situations where questions of demobilization, disarmament and rehabilitation of former fighters must be regarded as a priority.

(c) The countries undertake to develop cooperation and assistance mechanisms for standards and principles relating to SALW (strengthening legislative and regulatory control frameworks), combating illicit trafficking, management and security of stocks, prevention of conflict and post-conflict stabilization.

(d) The countries undertake to facilitate the mobilization of civil society for the prevention and reduction of the destabilizing effects associated with the uncontrolled accumulation and spread of SALW, as can be demonstrated by high levels of crime and violence, and to promoting a culture of peace.

9. Seventh cluster: Follow-up to the Conference

The countries undertake to examine progress in the implementation of these measures and, where appropriate, to establish any new follow-up bodies or mechanisms required. They also undertake to assess the impact of these measures on the spread of SALW by submitting national reports to the Secretary-General during the five years following this Conference.